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4 **Attorney for Defendant**  
5 **MARLON DANIEL SMITH**

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8 IN THE UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) Case No. CR-08-117 VRW  
12 Plaintiff, )  
13 v. )  
14 MARLON DANIEL SMITH )  
15 Defendant. )  
16 \_\_\_\_\_)

**STIPULATION TO CONTINUE**  
**SENTENCING DATE AND**  
**PROPOSED ORDER**

17 IT IS HEREBY STIPULATED by and between counsel for the UNITED STATES,  
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19 Assistant U.S. Attorney TAREK J. HELOU, and counsel for the Defendant, Gilbert Eisenberg,  
20 that the sentencing date now set for December 17, 2009 at 2:00 PM be continued and reset for  
21 January 21, 2010 at 2:00 PM to allow defendant to complete the necessary investigation,  
22 preparation and drafting for the defendants individual Sentence Memorandum to the court. The  
23 Probation Officer assigned to this case, Ann Searles, has no objection to this Stipulation.

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25 Dated: this 18th day of November, 2009.  
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/s/  
TAREK J. HELOU Esq.  
Assistant United States Attorney

1 Dated: this 18 th day of November 2009.  
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/s/  
GILBERT EISENBERG, Esq.  
Counsel for Marlon Daniel Smith

GOOD CAUSE APPEARING,

IT IS SO ORDERED.

Dated this 23rd day of Nov. 2009

